

IN THE UTAH COURT OF APPEALS

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Jennica E. Caldwell,)	MEMORANDUM DECISION
)	(Not For Official Publication)
Petitioner,)	
)	Case No. 20090711-CA
v.)	
)	
Department of Workforce)	F I L E D
Services, Workforce Appeals)	(June 24, 2010)
Board,)	
)	2010 UT App 173
Respondent.)	

Original Proceeding in this Court

Attorneys: Jennica E. Caldwell, Hyrum, Petitioner Pro Se
Suzan Pixton, Salt Lake City, for Respondent

Before Judges Orme, Thorne, and Voros.

PER CURIAM:

Jennica E. Caldwell petitions for review of the Workforce Appeals Board's (the Board) decision affirming the determination that she voluntarily quit her employment and was ineligible for unemployment benefits. We affirm.

This court will reverse an administrative agency's findings of fact "only if the findings are not supported by substantial evidence." Drake v. Industrial Comm'n, 939 P.2d 177, 181 (Utah 1997). Further, this court reviews the Board's determinations regarding voluntariness for abuse of discretion. See Arrow Legal Solutions Group, PC v. Workforce Servs., 2007 UT App 9, ¶ 6, 156 P.3d 830. Under this standard, this court "will uphold the Board's decision so long as it is within the realm of reasonableness and rationality." Id.

Caldwell argues that she was discharged from her employment and that the determination that she quit was in error. She argues her version of the facts and raises only those facts favorable to her. Caldwell has failed to marshal the evidence in support of the findings and show that the evidence does not support the facts as found by the Board. See Martinez v. Media-Paymaster Plus/Church of Jesus Christ of Latter-day Saints, 2007

UT 42, ¶ 17, 164 P.3d 384 (noting the marshaling requirement to challenge an agency's findings of fact). This is insufficient to overcome the Board's findings.

Furthermore, a review of the record shows that the Board's factual findings were supported by substantial evidence. Caldwell's supervisor testified that he did not fire her and, in fact, did not have the authority to do so. Instead, after a heated discussion, he sent Caldwell home and told her that he would report her conduct to upper management. He did so the next day. The store manager testified that he tried to contact Caldwell several times to schedule a meeting but never reached her. Caldwell did not call in or come in to work. After about a week of trying to resolve the matter, the store manager determined that Caldwell had quit because she did not return. The testimony supports the Board's findings.

In sum, the record supports the Board's factual findings. Additionally, Caldwell has shown no abuse of discretion in the Board's conclusion that she voluntarily quit and was ineligible for benefits.

Affirmed.

Gregory K. Orme, Judge

William A. Thorne Jr., Judge

J. Frederic Voros Jr., Judge